



6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**EPA-R07-OAR-2015-0394; FRL-9932-27-Region 7]**

**Approval and Promulgation of Implementation Plans; State of Iowa; Infrastructure SIP Requirements for the 2008 Lead National Ambient Air Quality Standards, Section 110(a)(2)(E)(ii), and a Supplemental SIP for Relevant Iowa Laws and Regulations.**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve elements of a State Implementation Plan (SIP) submission from the State of Iowa for the 2008 National Ambient Air Quality Standards (NAAQS) for Lead (Pb) addressing the applicable requirements of the Clean Air Act (CAA) section 110, which requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by the EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are

adequate to meet the State's responsibilities under the CAA.

EPA is also proposing to approve a supplemental revision for the SIP to include article 1, section 2 of the Iowa Constitution, and portions of the Iowa Code and the Iowa Administrative Code to codify the relevant state laws as applied to conflict of interest provisions.

**DATES:** Comments must be received on or before [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R07-OAR-2015-0394, by one of the following methods:

1. <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
2. *Email:* Hamilton.heather@epa.gov
3. *Mail:* Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.
4. *Hand Delivery or Courier:* Deliver your comments to Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, Air and Waste Management Division, 11201 Renner Boulevard, Lenexa, Kansas 66219.

*Instructions:* Direct your comments to Docket ID No. EPA-R07-OAR-2015-0394. EPA's policy is that all comments received will be included in the public docket without change and may be

made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through <http://www.regulations.gov> or email information that you consider to be CBI or otherwise protected. The <http://www.regulations.gov> website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and should be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, i.e., CBI or

other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy at U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219 from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Heather Hamilton, Air Planning and Development Branch, U.S. Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, KS 66219; *telephone number:* (913) 551-7039; *email address:* Hamilton.heather@epa.gov

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever "we," "us," or "our" is used, we refer to EPA. A detailed technical support document (TSD) is included in this rulemaking docket to address the following: a description of Clean Air Act section 110(a)(1) and (2) infrastructure SIPs; the applicable elements under sections 110(a)(1) and (2); EPA's approach to the review of infrastructure SIP submissions, and EPA's evaluation of how the Iowa addressed the relevant elements of sections 110(a)(1) and (2). This section provides additional information by addressing the following questions:

- I. What is Being Addressed in this Document?
- II. Have the Requirements for Approval of a SIP Revision Been Met?
- III. What Action is EPA Taking?

**I. What is Being Addressed in this Document?**

EPA is proposing to approve the two submissions from the State of Iowa: the infrastructure SIP submission (received November 4, 2011) from Iowa which addresses the requirements of CAA sections 110 (a) (1) and (2) as applicable to the 2008 Pb NAAQS, and the submission from Iowa (Received May 11, 2015, that codifies article 1, section 2, of the Iowa Constitution, as well as the relevant sections of the Iowa Code and the Iowa Administrative Code as they apply to conflict of interest provisions addressed in this action are referenced in the "EPA Approved Nonregulatory SIP Provisions" table accompanying this notice.

A Technical Support Document is included as part of the docket to discuss the details of this proposal, including analysis of how the SIP meets the applicable 110 requirements for infrastructure SIPs including specifically section 128 and 110(a) (2) (E) .

**II. Have the Requirements for Approval of a SIP Revision Been Met?**

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

**III. What Action is EPA Taking?**

EPA is proposing to approve the November 4, 2011, infrastructure SIP submission from Iowa which addresses the requirements of CAA sections 110 (a) (1) and (2) as applicable to the 2008 Pb NAAQS. In addition, EPA is proposing to approve the May 11 2015 submission from Iowa that codifies article 1, section 2, of the Iowa Constitution, as well as the relevant sections of the Iowa Code and the Iowa Administrative Code as they apply to conflict of interest provisions. Details of these submissions are addressed in a Technical Support Document as part of the docket to discuss the proposal.

Based upon review of the state's infrastructure SIP submissions and relevant statutory and regulatory authorities and provisions referenced in those submissions or referenced in Iowa's SIP, EPA believes that Iowa's SIP will meet all

applicable required elements of sections 110(a)(1) and (2) with respect to the 2008 Pb NAAQS.

We are processing this as a proposed action because we are soliciting comments on this proposed action. Final rulemaking will occur after consideration of any comments.

#### **Statutory and Executive Order Review**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);



- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation

land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

**Statutory Authority**

The statutory authority for this action is provided by section 110 of the CAA, as amended (42 U.S.C. 7410).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control,  
Incorporation by reference, Intergovernmental relations, Lead,  
Reporting and recordkeeping requirements.

Dated: August 3, 2015.

Mark Hague,  
Acting Regional Administrator,  
Region 7.

For the reasons stated in the preamble, EPA proposes to amend 40 CFR part 52 as set forth below:

## **PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

### **Subpart Q - Iowa**

2. In §52.820 (e) the table is amended by adding new entries (40) and (41) in numerical order at the end of the table to read as follows:

§ 52.820 Identification of plan.

\* \* \* \* \*

(e)\*\*\*

EPA-APPROVED IOWA NONREGULATORY SIP PROVISIONS

Name of non-regulatory SIP revision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * * * *				
(40) Sections 110(a)(1) and (2) Infrastructure Requirements 2008 Lead NAAQS.	Statewide	11/4/2011	[Insert <b>Federal Register</b> date of publication] and [Insert <b>Federal Register</b> citation]	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). 110(a)(2)(I) is not applicable.

(41) Section 128 Declaration: Conflicts of Interest Provisions;  Constitution of the State of Iowa, Article 1, Section 2  Iowa Code: 4.4.(5) 7E.4 Chapter 68B  Iowa Administrative Code: 351 IAC 6.11 351 IAC 6.14(2) 351 IAC 6.19 351 IAC 7.1-7.2 567 IAC 1.11(1-9)	Statewide	5/1/15	[Insert <u><b>Federal</b></u> <u><b>Register</b></u> date of publication date] and [Insert <u><b>Federal</b></u> <u><b>Register</b></u> citation]	This action addresses the following sections of the Constitution of the State of Iowa, Article 1, section 2; Iowa Code:4.4.(5), 7E.4, Chapter 68B;  Iowa Administrative Code: 351 IAC 6.11 351 IAC 6.14(2) 351 IAC 6.19 351 IAC 7.1-7.2 567 IAC 1.11(1-9)
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8/14/2015]